



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141

SUMMARY MINUTES – OCTOBER 22, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

MID MONTH BOARD MEETING MINUTES²

October 22, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

Sean Harrigan, President
Anne Sheehan, Vice President
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- SPB co-sponsored “The State as a Model Employer Symposium and Career Fair” on October 17-18, 2007 at the Franchise Tax Board in Sacramento. The keynote speakers to kick off this event were Kim Belshe’, Secretary, Health and Human Services Agency; Anthony “Tony” Sauer, Director of Rehabilitation, Geoffrey Way, Chief Counsel, Franchise Tax Board; and myself. The State Personnel Board released a media advisory to the local newspapers and radio stations regarding this event (Sac Bee, CMR, Cap Weekly, Sac Observer, and all the local TV and radio stations) . It was carried in the Sacramento Bee and the Capitol Morning Report. Sherry and her staff answered over 50 calls from persons who were interested in attending the career fair.

There were 350 attendees registered for the Symposium the first day and the career fair the second day attracted 700 people. The event was very successful in meeting the goals: 1) To educate State human resources (HR) personnel on equal employment and reasonable accommodation responsibilities in the examination, selection, and employment of individuals with disabilities; and 2) To provide career information, employment opportunities, résumé assistance, tips for effective interviews, job search assistance, and tips for effective use of the Limited Examination and Appointment Program (LEAP) process.

² The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

- The SSA on-line exam has had over 9755 (86.59%) successfully pass the test, 1511 (13.41%) were unsuccessful. The top three ranks contain those with vet points only; currently there are 20 people in those ranks; with 1550 people in the next rank. A total of 86 have been hired off the list.
 - 62 hires out of Rank 4
 - 7 hires out of Rank 5
 - 5 hires out of Rank 6
 - 12 vets hired

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- The Superior Court upheld the Board's decision in John Colocousis/Jack Friedman v. State Personnel Board, involving the issue of whether CDCR physicians can be required to submit to clinical competency evaluations.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

NONE PRESENTED

6. HEARING – STATE PERSONNEL BOARD AND DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Board, staff and the Receiver's staff discussed the establishment of a classification entitled Receiver's Nurse Executive (Safety) in order to create a nursing management structure within the California Department of Corrections and Rehabilitation's adult institutions.

**Elise Rose, Chief Counsel, State Personnel Board
Karen Coffee, California Department of Corrections**

ACTION: ADOPTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code sections 11126(c)(3), 18653.]

8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself. [Government Code sections 11126(c)(3), and 18653.]

9. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

10. RECOMMENDATIONS TO THE LEGISLATURE

NO ACTION

11. RECOMMENDATIONS TO THE GOVERNOR

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**12. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
NOVEMBER 5, 2007, IN SAN DIEGO, CALIFORNIA**

NONE

BOARD ACTIONS:

**13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
SEPTEMBER 24, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan – Aye

14. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 10-17

15. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 23-24)

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan – Aye

16. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 17-20

17. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On October 22, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

CAL FIRE TRANSFER OF PINE VALLEY FIRE PROTECTION DISTRICT EMPLOYEE

The Department of Forestry and Fire Protection (CAL FIRE) requests that one Pine Valley Fire Protection District employee be transferred into State Civil Service.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months.

Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

COLEMAN COMPLIANCE MANAGER, DIVISION OF CORRECTIONAL HEALTH CARE SERVICES, DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Coleman Compliance Manager provides administrative direction and expert input to the entire department, control agencies, and the Attorney General's Office in meeting legal mandates under the *Coleman* litigation. Additionally, the Compliance Manager is responsible for developing and implementing the policy and procedures that align evaluation and improvement efforts with existing state mandates, statewide mental health policies, and the *Coleman* court orders.

DIRECTOR OF HEALTH INFORMATICS, DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs proposes to allocate the above position to the CEA category. The Director of Health Informatics is responsible for the development of a new Enterprise-wide Veterans Homes Information System that will integrate the Agency's business operations with a comprehensive electronic health record for veterans in all eight Veterans Homes. In addition, the position is responsible for high-level informatics policy development, application implementation and program leadership and oversight.

CHIEF, DIVISION OF STAFF DEVELOPMENT AND STRATEGIC PLANNING, DEPARTMENT OF TRANSPORTATION

The Department of Transportation proposes to allocate the above position to the CEA category. This position will be responsible for setting the direction for improving employee work performance and for ensuring that

the administrative program resources are deployed in the most effective manner to support employees in accomplishing their jobs and to provide excellent customer service to the public, other state agencies, and transportation partners. Additionally, this position will allocate Administration Program resources, set performance measures, and monitor expenditures and accomplishments.

PROPOSITION 1B PROGRAM MANAGER, DEPARTMENT OF TRANSPORTATION

The Department of Transportation proposes to allocate the above position to the CEA category. The Program Manager will provide direction to ensure that bond-related activities are undertaken in a manner that will ensure performance outcomes are achieved; see that fiscal and oversight processes are in place to protect the investment of public funds and assets; develop strategies to accelerate delivery of bond funded projects; and establish and implement proactive communication strategies so both internal and external stakeholders are routinely informed of programs and issues. The Program Manager will serve as the Department spokesperson on all Proposition 1B issues.

ASSISTANT EXECUTIVE OFFICER, DEPARTMENT OF CONSUMER AFFAIRS

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The Assistant Executive Officer is responsible for carrying out the strategic plan objectives of the thirteen-member board, which is charged with the regulation of pharmacy practice in California. The Assistant Executive Officer serves as the top consultant and advisor to the Executive Officer and has a continuous policy influencing role in the development of policy initiatives based on the board's strategic goals.

ASSISTANT DEPUTY DIRECTOR, CENTER FOR HEALTHCARE QUALITY, DEPARTMENT OF PUBLIC HEALTH

The Department of Public Health proposes to allocate the above position to the CEA category. The Assistant Deputy Director provides assistance in overall operations management of the programs within the Center for Healthcare Quality; formulates medical and management policies to promote, implement and improve public health programs; advises the Director/State Public Health Officer, California Health and Human Services Agency Secretary, and the Governor's Office on policy and legislative matters; and provides reviews of studies, reports, and other technical publications to ensure compliance with departmental policies and quality control requirements.

CHIEF OF INTERNAL AUDITS, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Chief of Internal Audits provides assistance and advice to top-level management on all operations, processes, and policies required to protect the integrity and security of the Lottery's \$3.3 billion a year business; and organizes and directs a program of internal and external audits to assess compliance.

DEPUTY DIRECTOR OF OPERATIONS, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Operations will be responsible for providing consultation on the development of long-term plans for new and existing construction, space development, and lease acquisition for commercial and warehouse space projects for the Lottery on a statewide basis, advise on developing and implementing policies necessary to maximize the effective use of the Lottery's administrative resources; and oversees all aspects of the contracting process.

DEPUTY DIRECTOR OF LEGISLATION, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Legislation functions as a member of the Executive staff and is responsible for identifying and assessing all legislative and regulatory activities that impact Lottery gaming on a state or national level.

DEPUTY DIRECTOR OF BUSINESS PLANNING, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Deputy Director of Business Planning is a key advisor to the Directorate and is responsible for strategic planning, performance management, game design and development, special project management, research and development, and program review.

CHIEF OF RESEARCH, CALIFORNIA STATE LOTTERY

The California State Lottery proposes to allocate the above position to the CEA category. The Chief of Research is a member of the Executive staff and will provide consultation on the development of a variety of research, including marketplace, consumer, competitive, best practices, product research, and identify targets with potential for profitability.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DIRECTOR, OFFICE OF GOVERNMENTAL AFFAIRS, PUBLIC UTILITIES COMMISSION

The Public Utilities Commission's request to allocate the above position has been approved effective September 19, 2007.

GENERAL COUNSEL, EMPLOYMENT TRAINING PANEL

The Employment Development Department's request to allocate the above position has been approved effective September 25, 2007.

ACTION: NOTED

20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(c)(3), 18653.]

21. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

23. BOARD ACTIONS ON SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

ACTION: See Minutes on Pages 21- 22

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTIONS TAKEN ON AGENDA ITEMS 14 - 23
AS NOTED**

14. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

On October 22, 2007, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument June 5, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 07-1381A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(5) CASE NO. 06-4585E

Appeal from denial of reasonable accommodation

Classification: Staff Services Manager II

Department: Commission on Teacher Credentialing

Case taken under submission on October 9, 2007.

NO ACTION

(6) CASE NO. 05-1043P

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

Petition for rehearing granted June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

October 22, 2007

- (7) **CASE NO. 07-003 (b)**
Appeal from Executive Officer's disapproval of contract
Classification: Janitorial Services
Department: Department of Health Services

Petition for rehearing granted May 8, 2007.
Oral argument heard September 4, 2007, Sacramento.
Case ready for decision by FULL Board.
NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These ALJ proposed decisions were submitted to the Board for the first time.

On October 22, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

Vote: Harrigan, Sheehan, Costigan - Aye

- (1) **CASE NO. 07-0738**
Appeal from dismissal
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal
- (2) **CASE NO. 07-0837**
Appeal from rejection during probation
Classification: Custodian
Department: Department of General Services
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (3) **CASE NO. 06-2621**
Appeal from rejection during probationary period
Classification: Dispatcher-Clerk, Caltrans
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (4) **CASE NO. 06-2766**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (5) **CASE NO. 06-3018**
Appeal from 30 working days suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (6) **CASE NO. 05-3691**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision modifying the dismissal and remanded to an ALJ.

- (7) **CASE NO. 06-2890**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (8) **CASE NO. 06-4156**
Appeal from 30 days suspension
Classification: Custodian
Department: California State University, Sacramento
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (9) **CASE NO. 07-1969**
Appeal from 5 day suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: Submitted

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

October 22, 2007

- (1) **CASE NOS. 06-6040P & 06-1594P**
Appeal from dismissal and discrimination/retaliation complaint
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (2) **CASE NOS. 03-2436P & 04-0889P**
Appeal from four work weeks suspension and two work-weeks suspension
Classification: Corporations Counsel
Department: Department of Corporations
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 06-1645P**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On October 22, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

- (1) **CASE NO. 06-3534A**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.

Transcript prepared.

Pending oral argument December 4, 2007, San Francisco.

NO ACTION

- (2) **CASE NO. 06-3014PA**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
Oral argument continued.
Pending oral argument December 4, 2007, San Francisco.

NO ACTION

- (3) **CASE NO. 07-0850A**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.
Pending transcript.

NO ACTION

- (4) **CASE NO. 05-2721A**
Appeal from dismissal
Classification: Health Facilities Evaluator Nurse
Department: Department of Health Services

Proposed decision rejected June 5, 2007.
Transcript prepared.
Pending oral argument November 5, 2007, San Diego.

NO ACTION

- (5) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Pending transcript.

NO ACTION

(6) CASE NO. 06-1413PA

Appeal from five percent reduction in salary for six months

Classification: Registered Nurse

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.

Transcript prepared. Pending oral argument December 4-5, 2007,
San Francisco.

NO ACTION

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On October 22, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

(1) CASE NO. 06-2537N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

Issue: Suitability; failed to disclose several name changes, application and disqualification for employment and questionable drug use.

ACTION: DENIED

(2) CASE NO. 06-2803N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

Issue: Suitability, job termination within one year of his CDCR application.

ACTION: DENIED

- (3) **CASE NO. 06-2527N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: DENIED
- (4) **CASE NO. 06-2750N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of his CDCR application.
ACTION: DENIED
- (5) **CASE NO. 06-2744N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; a negative driving record and a misdemeanor conviction within one year of her CDCR application.
ACTION: DENIED
- (6) **CASE NO. 06-2605N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to supply information or documentation needed to complete the background investigation.
ACTION: SUBMITTED
- (7) **CASE NO. 06-2742N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; provided inaccurate information, omitted pertinent information, negative law contacts and a negative employment record.
ACTION: DENIED
- (8) **CASE NO. 06-2552N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability, failed to supply information or documentation needed to complete the background investigation.
ACTION: DENIED
- (9) **CASE NO. 06-1757N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; provided inaccurate information and omitting pertinent information.
ACTION: DENIED

- (10) **CASE NO. 06-2991N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of his CDCR application.
ACTION: DENIED
- (11) **CASE NO. 06-2540N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to disclose accurate and truthful information about law enforcement contacts.
ACTION: DENIED
- (12) **CASE NO. 06-2868N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to furnish documentation proving he meets the minimum qualifications for citizenship.
ACTION: DENIED
- (13) **CASE NO. 06-2558N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to disclose the reason for his termination as well as negative law enforcement contacts.
ACTION: DENIED
- (14) **CASE NO. 06-1637N**
Classification: Youth Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failed to supply information and documentation needed to complete the background investigation.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

On October 22, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

- **CASE NO. 07-1880N**
Classification: Attorney General/ERA
Department: Department of Justice

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**
Departments of Mental Health and Developmental Services. (Hearing held on December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**
Departments of Mental Health and Developmental Services. (Hearing held on December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held on August 12, 2004.)
5. **HEARING**
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held on July 7, 2004.)
6. **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held on July 10, 2007.)
7. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
8. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services. (Oral argument held on September 4, 2007.)

9. **CASE NO. 07-1381A** Appeal from dismissal. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held on October 9, 2007)
10. **CASE NO. 05-1043P** Appeal from dismissal. Tax Counsel, Range D. Board of Equalization. (Oral argument held on October 9, 2007)
11. **CASE NO. 06-4585E** Appeal from denial of reasonable accommodation. Staff Services Manager II. Commission on Teacher Credentialing.

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on December 4, 2007.

VOTE: Harrigan, Sheehan, Tom, Costigan – Aye

A handwritten signature in black ink, appearing to read 'Suzanne M. Ambrose', written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board